



# MEMO ENDORSED

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August 22, 2023

**VIA ECF**

Honorable Barbara C. Moses  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Peter Delgado v. City of New York, et al.*,  
19 Civ. 6320 (JPC)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York, Sergeant Md Samsuddin, Sergeant Luis Rodriguez, Police Officer Kyle Ting, and Police Officer Wilfred Martinez in the above-referenced matter. With plaintiff's consent, the individual defendants write in advance of the settlement conference scheduled for 2:15 p.m. on August 31, 2023, to respectfully request that the Court: (1) allow them to appear through counsel and excuse their in-person appearance; and (2) allow a representative of the New York City Comptroller's Office to attend by telephone as needed during the conference.

The undersigned counsel, who will attend the settlement conference in person, has confirmed that a representative of the Comptroller's Office will be available by telephone for the duration of the conference to approve the amount of any settlement. Because of the availability of staff in the Comptroller's Office, accessing that representative by telephone, as necessary, for the conference's full duration would be highly preferable to an in-person appearance.

Further, defendants Samsuddin, Rodriguez, Ting, and Martinez—who do not possess authority to settle this matter and would not need to approve any settlement agreement reached—are not planning to attend. In short, the undersigned will have full settlement authority and access to a representative from the Comptroller's Office by telephone throughout the settlement conference.

Defendants thank the Court for its consideration herein.

Respectfully submitted,



Jeffrey F. Frank

*Assistant Corporation Counsel*

Special Federal Litigation Division

cc: All Counsel (via ECF)

Application GRANTED. Defendants Samsuddin, Rodriguez, Ting, and Martinez may appear through counsel, and the Comptroller representative may attend by telephone. Defendants are reminded that the City must have a representative at the conference with **full authority** to settle this action. *See* Order dated May 4, 2023 at Dkt. 85 in *Lopez v. New York City Dep't of Ed., et al.*, Case No. 17-CV-9205 (S.D.N.Y.).



Barbara Moses

United States Magistrate Judge

August 23, 2023